Juries - 1938

(From the Washington Post, April 13, 1938)

A Right Not To Be Flouted

Press Dept. of the N.A.A.C.P

The United States Supreme Court has set aside the conviction of a Negro found guilty of murder in Kentucky because the "systematic and arbitrary exclusion" of Negroes from jury lists in that State constitutes a denial of constitutional rights. Under those circumstances the court concluded that the defendant had not been given a fair trial. 4-13-38 New York Times

This decision is on all fours with the one handed down by the court some years ago in the case of one of the Scottsboro defendants. The response in that case, so far as the Alabama authorities were concerned, was immediate and praisworthy. Gov. Graves declared that in Alabama the decision would be accepted and upheld "in letter and in spirit." It has been. Some other States which had practiced exclusion of Negroes from juries also took the cue.

Apparently Kentucky was remiss in its duty in this particular. That State continued indefensible racial discriminations. But the intent of the Supreme Court to crack down on such practices which do violence to democratic principles and constitutional rights is now unmistakable. Once again the highest tribunal of the land is living up to its tradition as a bulwark of American liberties.

If States still excluding Negroes from jury service expect to have their law enforcement efforts upheld in the Federal courts, they had better get into step with this liberal interpretation.

TWO NEGROES DRAWN FOR BIBB CASE JURY

Press Service Chicago Defender 4-16-38

MACON, Ga., April 20.—(AP)—For the first time in the history of Bibb county, two negroes today sat in a superior court jury box with 10 white men.

Curtis L. Cooper, hotel steward and Allie L. Bauldree, janitor, were the two negroes drawn from a panel of 24 names to serve in the trial of a suit brought by an oil company against Benham Cason.

Court officials said it was the first time negroes had ever served on a Bibb county jury in the trial of a case.

Five Negroes Called for Jury in Mo. County

By ELIZABETH R. COBB
Associated Negro Press Correspondent

FULTON, Mo., April 7.—For the first time in the history of Calloway county, Negroes were called for jury service last week in the trial of Anderson Logan, of Columbia, charged with slaying his wife. Five were called, of which one was tentatively accepted. One was excused because he objected to capital punishment and because he did not wish to serve with white men who would object to his presence.

Press Service Chicago Defender 4-16-38

Don Carter, white, Logan's attorney, asked the white veniremen if they would give as much consideration to the opinion of Negro jurors as they would to white members if the jury was composed of both races. Most of the whites replied they were prejudiced against the Negroes and therefore did not believe they could return a fair, impartial verdict.

4-16-38

Logan was convicted and sentenced to death two years ago, but the state supreme court threw out the decision because no Negroes were on the Failure to include them on panel for the present trial re ed in its postponement Mon The defense obtained their inclusion after pointing out they were left off because they were Negroes and none ever had served on a Callaway county jury.

Negro Lawyers Appear Skeptical Of Negro Jurors

Editor, Journal and Guide: I wish to call attention to certain rather disquieting observations which have been made by several colored men drafted for jury service. These observations concern the attitude of the Negro lawyers toward Negroes who are called for such service.

The struggle by the N. A. A. C. P. and other agencies seeking to have Negroes placed upon juries has been made on the basis that, in the long run, a fairer hearing would be had; my own experience justifies this hope and examples may be cited where in many cases the penalty has been humanized by the presence of Negroes who were better able to discuss the individuals involved. 4-30-38

Those of us who have had the chance to serve upon juries are rather disappointed at the habitual way in which the Negro lawyers strike Negroes from their panels; in fact we find ourselves left on more frequently in cases where no Negroes are in any way involved on either side. This action has become a matter of comment among members of the other group as to the seeming objection of Negro lawyers to members of the race sitting on cases for which they are the attorney.

I do not know how generally this practice exists, but I am calling your attention to it as a subject for conference among Negro lawyers, for the apparent attitude seems to be defeating the very ends for which we have struggled and are struggling at present.

—THOMAS W. TURNER
Hampton, Va.

Grand and Federal Juries

Being an illogical thing it is too much to expect of prejudice that it will learn, even in the school of experience. For that reason case after case will be sent back to the states which continue to try Negroes with all-white juries. The lesson of the Scottsboro cases is lost on some courts. Either that or they prefer the cost and trouble of a new trial to voluntary compliance with the supreme court's orders.

Cuel

In the latest case remanded, the high court made clear that not only are Negroes to be included in the petit jury but in the grand jury as well. There's a thought—they should be on the federal juries also. 4-15-38

Some part of the reluctance of the authorities to include citizens of color is their fear that the two races cannot be kept in the close intimacy of jury service without friction. Let them have whatever credit there is for not discriminating deliberately. But they make a mistake. There will be no friction—if they will only stop suggesting the thought.

Whites and blacks go fishing and hunting together all over this country. They work together amicably whenever an employer makes it clear that anyone who does not like his job can quit. They shared the same shell holes in France. The stars will not fall if they are put together in order to see that justice is done. In short, any prejudice that makes the presence of men of different races on juries occasion for friction, is of less moment than their obligation to the law. The time must come when Negroes will be serving on all juries, grand and federal juries included.

A Juror Poses a Question

IN our Open Forum this week a friend writes to express his disappointment that, in his experience, our lawyers are striking off our jurors. He inquires, pertinently, if this will not cancel the benefits that were supposed to be derived from the restoration of the practice of calling colored men for jury duty.

The question raised is important, of course, and we hope that what has been the experience of our correspondent, is not the general experience. During the agitation a few years ago for colored jurors, as a matter of right and principle, some editors, lawyers and jurists of the opposite race made the observation that the average colored man in difficulties with the law preferred to be tried by a jury of white men. This was based partly upon the assumption that white jurors, having a thought for certain supposedly inherent handicaps on the part of the colored offender would exercise a larger degree of consideration for these shortcomings in balancing the scales of justice. To what extent the colored lawyers share this feeling we do not know. Only they can answer. According to our correspondent the colored lawyer and the colored juror are not getting along so well together in his neighborhood. That something should be done about it goes without saying.

Macon, Ga., Telegraph
April 22, 1938

Ethridge Recalls Earlier Service of Negro Jurors

Former Operator of Brown House, Here on Visit, Tells of Old Instance

A former Macon hotelkeeper on a visit here from Florida called last night to deny that Negroes now are serving on a Bibb county trial jury for the first time.

He is Newton J. Ethridge of Daytona Beach, who lived in Macon from 1890 until 1915.

So sure of his facts was Mr. Ethridge that he glibly called the names of Jeff Long and Frank Dishroon, Negroes who he said served with him on a jury in superior court sometime between 1891 and 1894.

Mr. Ethridge also recalled deftly that Long later ran for congress from this district. As well as Mr. Ethridge could remember, the case was a civil action tried before the late Judge J. L. Hardeman.

About 10 days ago Mr. Ethridge arrived here from Daytona Beach to visit with Mr. and Mrs. John Vinson at their home on Vineville avenue.

He noticed in the newspaper that Curtis L. Cooper, a hotel steward, and Ollie L. Baul, a janitor, both Negroes, were serving on the jury trying the case of the Texas Company vs. Denham Cason in superior court, and that they were credited with being first Negroes to sit in the box during a trial.

Mr. Ethridge has been in the hotel business for many years, and shortly after the turn of the century operated the ill-fated Brown House on Broadway.

He said he was fortunate enough to have gotten rid of the Brown House before it was destroyed and several were burned to death in Macon's greatest fire catastrophe, Aug. 22, 1921.

"I've been lucky all my life," he said.

Mr. Ethridge plans to end his visit here Monday.

The case in which the Negro jurors are figuring has been in progress since Wednesday morning and will continue in superior court today.

Orlando, Fla., Morning Sentinel
May 7, 1938

Northern Group Would Test State's Refusal of Jury Duty to Florida Negroes

Willie Thomas Would Be "Guinea Pig" In Unusual Case

LAWYERS SOUGHT

Society Seen Banking On Court Action In Scottsboro Trial

Juries composed of a mixture of whites and blacks loomed as a possibility in Florida yesterday when it was learned on good authority that a Northern organization known as the "Society for Advancement of Colored People" was making a definite move to bring about such a practice.

Willie Thomas, negro indicted for the brutal murder of Joseph G. Bird, found dead in a pool of his own blood here a year ago the first of this month, will be used as a human guinea pig by minions of the society which would advance colored people, at least to the point where they would sit in trial of both whites and blacks in Florida courts.

According to a letter received by a local attorney, the society which was headed by Clarence Darrow, famous Chicago trial lawyer, before his recent death, is willing to pay $500 on the line to have the question of including names of negroes in jury box taken before the Florida Supreme Court.

The Willie Thomas case will present just the chance for such a maneuver, according to the opinion of court house officials who learned of the proposed attack on a Southern Jim Crow law of years' standing.

That it was the intention of J. Walker Hogan, defense counsel for Thomas, to take the matter before the highest Florida tribunal was disclosed in the communication from the Society for Advancement of Colored People.

The letter, received by the attorney who declined to have his name used in connection with the case, made the same offer that the Society claimed had been accepted by Hogan before he was forced by illness to drop from the case temporarily.

The barrister was undecided whether to accept the case and the accompanying $500, or decline to have his name dragged into the publicity that would surely follow such a move on his part, it was learned yesterday.

Meanwhile, court house attaches pointed out that similar actions, brought in Alabama in connection with the highly publicized Scottsboro negro trials, resulted in the Supreme Court of that State ordering all Boards of County Commissioners to dump their jury boxes and include negroes in the lists of names to draw from.

As a result, a later trial of one of the Scottsboro defendants found a mixture of races on the jury.

Likewise, the Georgia Supreme Court ruled that names of blacks must be included in the jury boxes, but as far as can be determined, negroes never seem to be drawn for jury duty when the venires for court are sifted from the boxes.

One local court official suggested that the slips bearing names of negroes "might be of a different hue from those bearing names of white jury eligibles," thus making it an easy task to draw only white juries for Georgia trials.

Miami, Fla. Herald
May 8, 1938

Placing of Negroes' Names On State Jury Lists Is Aim

BY THE ASSOCIATED PRESS

ORLANDO, Fla., May 7.—An Orlando attorney said Friday night he was considering an offer of $500 to direct a legal action seeking to have the names of negroes placed on Florida jury lists.

The attorney, who asked that his name be withheld, said he had received a letter from the American Society for the Advancement of Colored People asking him to take the case.

Willie Thomas, negro indicted for murder in connection with the killing of John G. Bird, Orlando filling station owner, is scheduled to go on trial in the next six weeks, and it was indicated the society's attorneys will demand that negroes' names be placed on the jury list from which the Thomas venire is to be drawn.

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Willie Thomas, negro indicted

Juries - 1938

WOMAN DEADLOCKS JURY ON RACE ISSUE; INVESTIGATION CALLED

Prosecutor Wants to Learn if She Refused to Vote Death Penalty Because Defendant Belonged to Her Race.

CLEVELAND, Apr. 7—(By Clarence L. Simmons for ANP)—Repeated efforts failed to locate Miss Florence Nelson, WPA Dramatics Instructor, who "deadlocked" the jury trying Willie Caldwell for the hold-up murder of Fred Raymond, white, 61-year-old delicatessen owner here last November, by refusing to vote the death penalty despite pressure from 11 other jurors whose minds were made up after only "10 minutes" of deliberations.

Raymond was slain during a robbery attempt when he resisted and was shot, allegedly by Caldwell and a companion, Ernest Bryant, who is also under indictment for first-degree murder. The jury got the case at 2:40 Monday afternoon and after deliberating until 2 A. M. Tuesday, was called into Judge Seth Hunter's chambers for consulation after Miss Nelson is said to have sent the judge a note asking to be excused from the case.

White Jurors United

The jury foreman, Alfred S. Andrews, white, told the judge that the jury was hopelessly deadlocked, with the 11 white jurors voting for a verdict of guilty as charged and Miss Nelson refusing to vote with the rest. A "guilty as charged" verdict would have automatically resulted in a sentence of death in the electric chair for the youthful defendant.

Andrews said that Miss Nelson refused to agree with the others, advancing the argument that the crime was one of environment rather than passion or premeditation. He also asserted that Miss Nelson had charged Assistant Prosecutor Norman S. Minor with double-crossing his own race in asking the death penalty for the slayer.

To Question Miss Nelson

When reached for a statement, Mr. Minor stated that he would call Miss Nelson and several of the jurors, including the foreman, for questioning, Saturday in an effort to determine whether the race motive was really the reason for Miss Nelson's decision. She was the lone Negro on the jury.

"If," said Minor, "her decision was based on racial grounds, she has contributed greatly to the possible exclusion of Negores from jury duty in the future." It is determined that Miss Nelson's action was based on racial grounds, Mr. Minor expressed determination to porsecute her for violation of her oath as a juror. When examined for jury duty, Mr. Minor said, "Miss Nelson, who is said to have attended Wellesley College, and who is an intelligent, talented woman, declared that she would not be swayed in her decision by the race of the defendant."

Meanwhile, through a decision of Judge Alva J. Corlett, common pleas' judge, Caldwell will escape penalty for his crime until the next term of the court which begins in May.

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NEGROES ON JURY AROUSE INTEREST

Cooper and Baul Become First Negroes to Serve in Box in Bibb County

Trial of a civil action before a superior court jury that includes two Negroes will be resumed this morning before Judge Malcolm D. Jones.

Courthouse officials said that Curtis L. Cooper, hotel steward, Ollie L. Baul, janitor, are the first Negroes to serve on a jury in the history of Bibb county.

The Negroes are serving on a jury trying the suit on contract brought by the Texas Company against Denham Cason.

Another Negro, Washington Clowers, carpenter, was included in the 24 man panel but was struck from the list by lawyers. The names of Negroes have been placed on jury lists in this county for the past several years. Inclusion of Negroes in juries was made mandatory by a Supreme court decision rendered in the famous Scottsboro case in Alabama.

Although Negroes on previous occasions have served on juries long enough for a contest verdict to be taken this is the first recorded instance of one having served on a trial jury.

The Texas Company, is represented by Ryals, Anderson and Anderson and attorneys for the defendant are Harris, Harris, Russell and Weaver and Jones, Russell and Sparks and J. W. Popper.

White men serving on the jury are J. H. Starr, J. C. Adams, G. B. Etheridge, T. D. Groover, Cliff Walker, W. M. Durden, G. C. Hardison, W. A. Hartley, A. D. Jones and R. F. Fincher.

Roanoke, Va., World News
April 15, 1938

Negroes on Juries

In an unanimous opinion handed down this week, the Supreme Court of the United States extends and clarifies its former ruling in the Scottsboro case, as to exclusion of Negroes from jury service. The conviction of Joe Hale, Negro, on the charge of murder, is reversed, and the case remanded to the Kentucky courts for further proceedings. The opinion was written by Chief Justice Hughes, Justice Cardoza taking no part on account of illness.

Hale was convicted in 1936 for murder in McCracken county, Kentucky. He moved to set aside the indictment on the ground that the jury commissioners had excluded from the list from which the grand jury was drawn all persons of African descent, because of their race and color, and thus denied to him the equal protection of the laws in violation of the Constitution of the United States. His affidavit showed that the population of McCracken county was approximately 48,000, of which about 8,000 were Negroes; that the assessor's books for the county show about 6,000 white persons and 700 Negroes qualified for jury service in accordance with Kentucky statutes; that the jury commissioners filled the wheel for jury service for 1936 with between 500 and 600 names, exclusively of white citizens, and that no Negro was excluded "because he was not an intelligent, sober, discreet and impartial citizen, resident housekeeper" of the county or of the requisite age. Failure to draw any Negro was not due to the disqualifications of the Kentucky jury statute.

Sheriffs of the county for the past twenty years testified that during their terms, no Negroes had been summoned for service on grand or petit juries, nor was the name of any Negro placed in the hands of the Sheriff to be summoned. Yet for many years, Negroes of the county have served on juries in the Federal court at Paducah. In one case, in 1921, a trial judge ordered a Negro jury to be summoned from the by-standers, but those Negro jurors were not on the jury panel.

Hale pleaded not guilty, was convicted and sentenced to death, and the judgment was affirmed by the Court of Appeals of the State. From an affidavit of the court clerk, it was shown that by inadvertance a copy of the motion to set aside the indictment was omitted from

the record before the State Court of Appeals. On a motion for rehearing, the omitted record was brought to the attention of the Court of Appeals, but a rehearing was denied.

In his argument before the Supreme Court, the Attorney-General of Kentucky disclaimed any reliance on omission from the record of the motion to set aside the indictment, and conceded that if the facts set forth in the affidavits submitted upon that motion were sufficient to show a denial of constitutional rights, the judgment should be reversed.

"We are of the opinion," wrote Chief Justice Hughes, "that the affidavits, which by the stipulation of the State were to be taken as proof, and were uncontroverted, sufficed to show a systematic and arbitrary exclusion of Negroes from the jury lists, solely because of their race or color, constituting a denial of the equal protection of the laws guaranteed to the petitioner by the Fourteenth Amendment.

"The judgment is reversed, and the cause is remanded for further proceedings not inconsistent with this opinion."

Tampa, Fla. Tribune
May 8, 1938

Orlando Attorney May Move To Have Negroes on Juries

ORLANDO, May 7.—(A.P.)—An Orlando attorney said today he was considering an offer of $500 to direct a legal action seeking to have the names of negroes placed on Florida jury lists.

The attorney, who asked that his name be withheld, said he had received a letter from the American Society for the Advancement of Colored People asking him to take the case.

Willie Thomas, negro indicted for murder in connection with the slaying of John G. Bird, Orlando filling station owner, is scheduled to go on trial in the next six weeks and it was indicated the society's attorneys will demand that negroes' names be placed on the jury list from which the Thomas venire is to be drawn.

Excluding Negroes As Jurors

Journal & Guide 5-14-38

IN a recent issue of the Guide attention was directed to a letter from Dr. Thomas W. Turner of the Hampton Institute faculty dealing with Negro jurors and Negro lawyers. It was suggested by Dr. Turner that the attorneys of our group were too prone to bring about the elimination of colored members of jury venires. A lawyer-editor, Mr. J. Thomas Newsome of Newport News, a leading member of the bar and editor of The Star of that city, offers additional light on the situation in a Star editorial. Norfolk, Va.

Explaining that on a jury panel of twenty there are usually but two or three colored men, Mr. Newsome points out that the right of preemptory challenge results in the Negro jurors' elimination. What happens Mr. Newsome succinctly describes: "Some commonwealth's attorneys exercise their right of challenge by striking all (colored) jurors at once. Even when this is not done, a great majority of the commonwealth's attorneys begin by striking a Negro from the panel."

Most significant is the further statement that "as the law of challenge now is, it is impossible to prevent Negroes from being stricken from the panel." Mr. Newsome adds: "So far as we know, Negro lawyers do not object to Negro jurors and few, if any, of them ever strike a Negro from the panel unless, for some specific reason, he feels that an individual Negro juror may be prejudiced against his client."

Mr. Newsome relates that in "ninety nine cases out of one hundred the Negro jurors are challenged by white lawyers and not by Negro attorneys. . . .We have discussed the matter with a number of race lawyers." The lawyer-editor emphasizes that "the important thing to remember is that there are seldom over three or four Negroes on the entire panel and that the commonwealth's attorney, in felony cases, has the first challenge and he usually exercises it in striking the Negroes from the panel."

The restoration of the practice of calling colored citizens for jury duty began rather generally with the decision of the U. S. Supreme Court some years ago when the issue of jury discrimination came before it on an appeal of one of the Scottsboro case defendants. If what Mr. Newsome sets forth is true, and he is in a position to know the facts, it is obvious that Negroes are being called to comply with the letter of the law, but that its spirit is being circumvented in practice. The result is that a constitutional ground for appeal is removed, but the actual exercise of the right of some citizens is denied them by deliberate and systematic exclusion before actual service.

The picture is not a pretty one. If prosecuting officers and attorneys—who are officers of the courts—continue their present tactics, justice is to that extent being unbalanced. In our April 30 issue editorial on the debarment of Negroes from jury service by challenge, we said: "That something should be done about it goes without saying." We repeat that admonition now, in the light of new information, with even greater emphasis.

Orlando, Fla., Morning Sentinel
May 9, 1938

MEDDLERS TAKE HEED

Worthy of a paragraph or so is the story that the Society for Advancement of Colored People is about to penetrate Florida in securing negroes for jury service, a right which has not been denied them in past years. A "court test" may be made by those from afar who are meddling in local racial affairs, and presumably profiting.

If a word to the wise is sufficient the society can save itself a lot of trouble by remaining in its own habitat. The Florida and Orange County negroes are satisfied with their environments and conditions. They know how lucky they are to live here. They will not welcome any individual or group coming in here to upset pleasant relations.

Sylvester, Ga., Local
May 12, 1938

FORMER ATLANTA NEGRO WOMAN ON NEW YORK JURY

For the first time in history of General Sessions Court in New York City, a negro woman was serving on a jury Wednesday. She is Virginia G. Pope, former dean of the history department of a negro woman's college at Concord, N. C., and a graduate of Atlanta University.

She was selected to hear evidence in the case of Joseph Greshner, 35, white, charged with theft of $9,000 worth of jewelry, silverware and linen from his former employer.

Municipal Panel Gets First Negro

Telegram

H. T. Jolly Is First on Race to Be Drawn

5-31-38

H. T. Jolly, Pleasant Hill Negro, yesterday became the first of his race ever to be drawn on a Decatur municipal court jury.

Jolly was chosen with 17 white men on the jury panel for the monthly term of municipal court. Negroes names have been in the jury box for the past several years, due to a ruling by the supreme court in the Scottsboro case but none have been drawn before.

Several Negroes have been drawn on superior court panels and two recently served on a trial jury, but Jolly is the first ever to be summoned by the municipal court.

Juries – 1938

Did It in Arkansas

JOHN CLAYBROOKS, white-haired Negro farmer, sitting on a jury in Marion, Arkansas, voted, along with eleven white jurors, to send two young Negroes to the electric chair for allegedly criminally assaulting a white girl. This was "something new under the sun" in this section, and marked the first time in the history of the state that a Negro had been permitted to sit in the jury box upon a case of such nature in the state. However, but we attach little significance to that fact.

In our opinion, the voting of Claybrooks was merely perfunctory. We have reason to believe, knowing Southern whites as we do, especially in respect to their interpretation of the law and the meting out of justice in instances where Negroes are concerned, that the Negro juryman "fell in line" according to the instructions he had received. There is little chance that he acted independently and solely upon the preponderance of evidence as to the guilt of the accused in the case, but it is more likely that he had respect to the will of the dominant element comprising the majority of the jury of which he was a member.

We do not, however, take the position that, because the accused were black men, and that their offenses were committed in the South, they were guiltless, and that their case was another of those instances of whites persecuting blacks. It is as possible for them to have been guilty of the crime charged as it is that they were innocent. Criminal tendencies know no color barrier. They are possessed by both white and black people. But what we wish to call attention to is that Juryman Claybrooks, being a Negro and living in a section of the country where his kind have few, if any, rights that the white race respects, could not be said to have acted independently and according to the dictates of his conscience as to the guilt or innocence of the prisoners at the bar. A word, amounting to a command, from the white jury foreman, backed up by the unanimous assent of his fellow white jurymen, could have been sufficient reason to cause Mr. Claybrooks to "find the accused guilty," even had they really been innocent, and knowingly so to the Negro juryman.

The Negro group has absolutely no cause for exultation over the fact that one of its members served on a southern jury, so long as southern Negroes are without real independence.

First Grand Juror

A. B. Cash, widely known Winston-Salem, N. C., businessman, who was called last week to serve on the Forsyth county grand jury, the first of his race to be summoned since Reconstruction days. Mr. Cash operated a barber shop in Winston-Salem for half a century and has been active in religious and civic affairs of the city for many years.

A. B. CASH IS FIRST IN YEARS

WINSTON-SALEM, N. C., Jan. 20—(ANP) — Although names of Negroes have been in the Forsythe County jury box some time, last Monday marked the first time since Reconstruction Days that a Negro has sat on a county jury . . . this honor going to A. B. Cash, 50-year-old barber of this city.

Mr. Cash is well known in Winston-Salem and caters to white trade exclusively in his barber shop. He was sworn in with the other jurors, for a six-month term and despite his presence on the jury there was no perceptible stir in the courtroom.

Cash Well Known

Among the cases to be tried at this term of the Criminal court is one in which a Negro stands charged with a capital offense against a white woman and seven others in which Negroes are charged with murder. Grand Juror Cash ranks as one of the outstanding members of his race in this section of the State and is widely known in business, civic and fraternal circles.

Race Man To Serve On Jury At McRae

McRAE, Ga.—(SNS)—Josh McLain who lives near Jacksonville, Ga., has been called to serve on the traverse jury of the Supreme Court during the February term.

This is the first time in Telfair County's history that a colored person has been drawn for jury service. The jury list was revised last year and the commissioners required by court order to include several colored persons on the roll.

Josh McLain's name appeared on the published list.

Negro Serves As Jury Foreman In Norfolk

NORFOLK, Va., Mar. 3—(ANP)—For the first time in the history of Elizabeth City County, it is said, Charles S. Isham, a colored man, acted as foreman of a jury here this week.

Three Negroes On Georgia Jury

AUGUSTA, Ga.— Three Negroes served on a jury that was trying a former teller of the oldest, most popular bank here. He was convicted and sentenced to three years on a charge of fraudulent entries.

The colored jurors were George M. Johnson, manager of the North Carolina Mutual Life Insurance Company, this city; Julian Collins, and Wheeler C. Ervin, business manager of Paine college.

Negro Foreman On Southern Jury

HAMPTON, Va. — For the first time in the history of Elizabeth City County, it is said, a Negro, Charles S. Isham, acted as foreman of a jury Thursday. The jury, consisting of six men, found John Brown, Negro, guilty of operating an automobile while under the influence of intoxicants and imposed a fine of $100 and costs.

The trial occupied the greater part of the day's session and the jury deliberated for some time before returning its verdict.

Greenville, N. C.—Reflector
March 25, 1938

Negroes Included In New Jury List To Serve In April

Lists Drawn by Commissioners Under Orders of Judge Grady; J. G. Stokes Directed By Jurist To Serve Summons

Acting upon orders of Judge Henry A. Grady, the Board of County Commissioners today drew jury lists to serve during the two weeks of April court. Included in the group to be summoned to serve on the petit jury the week of April 25, are two Negroes, I. S. Bennett of Farmville township, and E. A. Chapman of Chicod township.

Judge Grady yesterday afternoon also signed an order directing J. C. Stokes, Greenville township constable, to summon jurors to serve during the two weeks' session. The Judge's order pointed out that S. A. Whitehurst, Sheriff of Pitt county, whose duty it is to summon jurors, is interested as a defendant in causes pending in this court and the causes will come up for consideration of this court and jury. Due to these circumstances, the order sets forth, the sheriff is not a suitable person to serve the summons.

In quashing indictments against Sheriff Whitehurst and Deputy Sheriff J. H. Harris and declaring the Grand Jury void, Judge Grady noted that all persons drawn, whether, idiots, lunatics, and even escaped convicts, are liable for jury service and that commissioners are without power to reject such persons as the law now stands.

In throwing out the Grand Jury yesterday, Judge Grady declared that the commissioners acted in the utmost good faith. He found that the commissioners had a child under 10 years of age to draw the scrolls from the box and noted that the practice of members of the board rejecting "undesirable" persons had been followed in the drawing of jurors for other terms of court for a long number of years. The jurist, however, ruled the practice illegal and ordered the Grand Jury removed.

Sheriff Whitehurst, discussing developments since the true bills were returned against him, declared that he was ready and anxious for trial following the first bill of indict-

ment against him, but added that the second bill, which charged him with failure or refusal of his duties, including turning over to the county sums of money due it and collected by him by virtue of his office, came as a surprise and that he did not know what the charges involved and desired time to prepare his defense before going into open court.

The new list of jurors drawn to serve during the week of April 18 from which the new Grand Jury will be chosen, follows.

J. H. Hobgood, Farmville; G. T. Stokes, Swift Creek; W. E. Beverly, Bethel; Vernon Parrish, Greenville; W. E. Andrews, Bethel; R. H. Alexander,, Bethel; Joe Everett, Winterville; Carlton Jackson, Beaver Dam; H. F. Owens, Fountain; L. O. Gross, Greenville; Rufus L. White, Chicod; C. E. Case, Fountain; Arthur Keel, Bethel; E. J. Whitehurst, Carolina; L. W. Andrews, Falkland; R. A. Little, Fountain; J. L. Parkerson, Greenville; H. L. Ormond, Greenville; R. L. Tugwell, Farmville; Jack Waters, Winterville; R. L. Bell, Fountain; R. A. Fountain, Jr., Fountain; E. W. Wooten, Falkland; Paul Fitzgerald Jr., Greenville; W. W. Wynne, Carolina B. A. Pope Jr., Fountain; C. L. James, Carolina; J. E. Warren, Greenville; R. S. Elks, Chicod; William A. Quinerly, Ayden; L. F. Hart, Ayden; F. L. Mayo, Belvoir; W. C. Whitehurst, Bethel; W. B. Harper, Chicod; John T. Barnhill, Carolina; W. J. Whitman, Greenville.

An additional list was drawn to serve on the petit jury during the week of April 18 as follows:

R. A. Cannon, Ayden; F. B. Manning, Greenville; R. E. Wilson, Greenville; O. L. Tucker, Greenville; Herman Stokes, Swift Creek; E. E. Ellis, Fountain; G. M. Flanagan, Farmville; J. H. James, Greenville; George W. Davis, Farmville; W. W. Lee, Greenville; W. W. Wooten, Flakland; E. C. Beaman, Farmville; W. J. Barnhill, Bethel; J. W. Moye, Farmville; Hubert Tugwell, Fountain; B. E. Moore Farmville; Blaney Strickland; Farmville; Johnnie Norville, Falkland.

The following names were drawn for jury duty the second of the two-week term:

J. C. Gardner, Ayden; W. J. Turnage, Jr., Farmville; E. E. Davenport, Falkland; Levi Pierce, Ayden; W. A. Venters, Chicod; A. S. Piece, Falkland; D. D. Elks, Chicod; J. F. Carr, Greenville; Edward Batchelor, Greenville; C. L. Williams, Belvoir; H. C. Oakley, Winterville; A. L. Murphey, Fountain; C. E. Harris, Falkland; J. E. McGowan, Greenville; M. K. Smith Swift Creek, Lonnie McGowan, Greenville; H. H. Duncan, Greenville; L. H. Williams, Swift Creek; H. L. Elks, Greenville; E. A. Chapman (col) Chicod; J. H. Moore, Farmville; Hill Smith, Beaver Dam Leon Crumpler, Farmville; I. L. Craft, Bethel; Robert Hodges, Chicod; L. E. B. Baker, Fountain; J. R. Cullifer, Bethel; R. M. Manning Belvoir; Herman Davis, Fountain; Walter Avery, Winterville; I. S. Bennett (col) Farmville; Jim J. Miller, Chicod; J. L. B. Baker, Farmville; W. P. Bryan, Falkland, C. D. Whitford, Winterville; J. L. Mooring, Carolina.

White Jury Issue Up in High Court

WASHINGTON

The Joe Hale case, challenging the exclusion of colored from jury service in the McCracken County, Ky., courts was argued in the U.S. Supreme Court, March 30, by Leon A. Ransom, a member of the national legal Committee of the N.A.A.C.P. and Charles H. Houston, special counsel of the association.

Hale was convicted and sentenced to death in the Kentucky State courts for the alleged murder of a white man who had been accosting colored women. He was indicted for wilful murder by an all-white grand jury and tried by an all-white trial jury.

The record showed that the population of McCracken County was 48,000, of which 8,000 were colored; that approximately 6,000 whites and 700 colored were eligible for jury service. But no colored had served on the jury in the McCracken County courts for 50 years, except that on one occasion in 1921 an all-colored jury had been picked up off the streets to try a colored man on a minor charge.

Ban on Negro Jurors Scored By High Court

Barring of Negroes Is Made Grounds for New Trial

WASHINGTON, April 11 (UP).—The Supreme Court today ordered a new trial for Joe Hale, Kentucky Negro under sentence of death for murder. The Court found that Negroes were systematically barred from juries there, a practice which constituted a denial of his constitutional rights.

The action was taken at a ten-minute session of the court at which Justice Louis D. Brandeis, absent several times recently because of a cold and bad weather, reappeared on the bench.

The court also: Closed the last legal avenue through which Dr. Francis E. Townsend, old age pension advocate, sought to avoid a 30-day jail sentence imposed for conviction on charges of contempt of a House committee.

It rejected a petition by Townsend for review of his conviction. Only executivve clemency now can save him from serving the jail sentence.

The judges declined to review a federal decision holding unconstitutional the Bankhead Cotton Control Act, which was repealed by Congress after the Supreme Court invalidation of the Agricultural Adjustment Act. It also accepted for review another challenge of ratification of the proposed Federal Child Labor Amendment—this one involving Kentucky's ratification. A review of Kansas' ratification had already been accepted.

Hails Victory for Civil Rights

Charles Houston, chief of the legal staff of the National Association for the Advancement of Colored People yesterday hailed as a victory for constitutional rights the U. S. Supreme Court's decision ordering a new trial to a Negro because Negroes were barred from the jury.

The decision was on the conviction of Joe Hale on the charge of murder. He was sentenced by the McCracken County, Ky., Circuit Court.

The case was argued in the Supreme Court by Houston and Leon A. Ranson, also of the N.A.A.C.P. legal staff, flatly on the issue of barring Negroes from jury service.

Hale was charged with murdering a white man in Padukah, Ky., who it was claimed molested Negro women. The N.A.A.C.P. fight in the case was supported by the Negro people of Padukah through the Padukah Civic League.

The Supreme Court's decision, Houston told the Daily Worker, "is another step in the fight to establish the constitutional rights of the Negro people. This victory follows the procedure laid down in the historic Scottsboro case."

The first precedent set by the Supreme Court in a similar decision was when it ordered a new trial in the first Scottsboro case that came before it.

Carrollton, Miss. Conservative
May 6, 1938

WHO SHOULD SERVE ON JURIES?

The consist of juries is a matter that has been in the public eye within recent months and weeks. Only a few days ago another conviction of a negro was set aside by the Supreme Court of the United States because there were no negroes on the jury that convicted him, or no negroes in the venire summoned for selection of a jury. Several cases of this kind have come into prominence in recent years.

Within the past few weeks, too, a bill to require (or allow) women to serve on Mississippi juries was killed in the legislature largely through the opposition of Mrs. Horace Stansel of Ruleville who is serving her lamented husband's unexpired term. Mrs. Stansel very properly contended that inclusion of women on juries would entail considerable expense at every courthouse in the state to provide separate quarters for the women jurors, and her contention carried sufficient weight with her fellow legislators that the bill was killed.

In regard to the decision of the Supreme Court on negro jurors, we wonder just how far this idea will be carried in the future. It seems logical that it should follow, if the contention is made in the court, that it will be impossible to sustain the conviction of a woman unless there are women on the jury or of Chinamen (we have plenty who are native or naturalized) unless there are Chinamen on the jury, or of Italians unless there are Italians on the jury, or of Jews unless there are Jews on the jury, or of Quakers, or Methodists, or Rotarians, or Russians, or what not.

We recognize the background of the court's decision. That there have been cases where white juries unjustly convicted negro prisoners cannot be denied, but it seems to us that it is setting a far-reaching precedent when the court demands that men of a man's own hue must make up at least part of the jury which convicts him. The North considers the negro in the South as a persecuted individual, therefore the court's decision. The Jew is persecuted in Germany. Must we reason then, that, under the possibility that the Jew may become a persecuted race in America? One is as logical as the other, and both may be thoroughly logical. The point we wish to make is that justice should be based on facts, rather than on color, or race or sex, and we fail to see that the Supreme Court's decision in this case has aided justice.—The Bolivar Commercial.

Negro Will Serve In Dublin Court

DUBLIN, Ga., June 18—For the first time in the history of the courts here a Negro has been drawn for jury service, it was learned today.

The Negro, William May, Dublin grocer, will serve on the traverse jury in U. S. District Court here the week of June 27, according to the list of jurors drawn by Judge William H. Barrett, presiding jurist.

DUBLIN NEGRO DRAWN FOR SERVICE ON JURY

DUBLIN, Ga., June 18.—For the first time in the history of the courts here, a negro has been drawn for jury service, it was learned today.

The negro, William May, Dublin grocer, will serve on the traverse jury in United States district court here the week of June 27, according to the list of jurors drawn by Judge William H. Barrett, presiding jurist.

Juries - 1938

Fayetteville, N. C., Observer
January 10, 1938

Negro Juror Votes Death For Members of Race

John Claybrook, 66-year-old negro, helped make southern judicial history when he was chosen a member of the jury trying two members of his race at Marion, Ark., for an assault on a white girl. He voted with the 11 white jurors to send the defendants to the electric chair. Claybrook (extreme right in top row) is shown seated in the jury box.

Charlotte, N. C. Observer
January 12, 1938

NEGRO SITS ON JURY IN CUMBERLAND COURT

Special to The Observer.

FAYETTEVILLE, Jan. 11 — For the first time in almost 40 years, a negro sat on a jury in Cumberland county superior court today. The negro juror, Ed Smith of Stedman, helped to convict a member of his race on four counts of violating the ABC liquor laws, practically on the testimony of a negro detective.

The defendant, Isabella Perry, was given concurrent sentences of nine months and of 90 days by Judge Marshall H. T. Spears. Smith, later, sat on other cases, among them that of "Slow Alex" Trammell, another negro, who was also convicted.

Florence, S. C., Morning News
January 8, 1938

NO INTERFERENCE WANTED

Much is made in the press reports of the action of a negro juror in joining eleven white men in reaching a verdict sending two negro men to the chair on charges of criminal assault.

The elderly negro took his oath along with the other members of the jury to return a verdict in accordance with the evidence.

He remembered his oath when he voted. He was not coerced. He simply took a stand that accorded with his conscience.

There are many other negro men of character in the south who are accepted on juries and perform their service conscientiously. These negroes are of the character that do not agree with the anti-lynching bill. They are the sort of folk that are certain the southern states can take care of such difficulties.

They do not want the federal government to interfere with the peaceful relations that have existed between the races in the south for many years.

The races in South Carolina at least are living at peace and understanding. They are getting along in the best and finest of spirit.

Raleigh, N. C., News & Observer
January 11, 1938

NEGRO ON GRAND JURY FOR FORSYTH'S COURT

Winston-Salem, Jan. 10.—For the first time since Reconstruction days a Negro sat on the Forsyth County grand jury today. Although names of Negroes have been in the Forsyth County jury box for some time, this is the first time one of them has been drawn for duty.

A. B. Cash, 50-year-old Negro barber of this city, was sworn in with the body for a six months term this morning. The jury began its duties in the usual manner and there was no perceptible stir in the court room.

Among the cases to be tried at this term of criminal court is one in which a Negro is charged with a capital offense against a white woman. Several Negroes are charged with murder.

Cash is well known in Winston-Salem and caters to white trade exclusively in his barber shop. The complete grand jury includes a number of prominent Winston-Salem business and professional men.

Chattanooga, Tenn. News
January 8, 1938

A Negro on the Jury

TWO Negroes were sentenced this week to die February 8, in the Arkansas electric chair for their Christmas night assault on an 18-year-old girl from Memphis. The girl was riding with her escort on the highway running from Memphis into Arkansas. The Negroes attacked the boy, dragged the girl into the river bottoms and kept her for five hours. She finally was released.

The crime and the death sentence are not unusual. What was unusual about the trial which occured in the courthouse at Marian, Ark., however, was that for the first time since Reconstruction days a Negro served on a rape jury in Crittenden County and possibly in the entire State of Arkansas. The juror was John Claybrook, farmer, aged 66. He of course voted for the verdict of guilty as did the other eleven jurors, and the verdict was returned just seven minutes after the jury began deliberations.

Eight Named to Petit Juries

BALTIMORE—Eight colored men, twice as many as were named on petit juries here for the first three weeks of the Jan. term, were selected for the 4th three weeks which began yesterday (Monday). They are: Superior Court, Judge Frank: Samuel J. Green, waiter, 1159 Carrollton Avenue, and Clinton C. Newman, waiter, 1308 Mosher Street;

City court, Judge Stanton: William C. Blake, messenger, Gilbert and Company, 1333 Division Street; George W. Brice, caterer, hotel work, 1231 Myrtle Avenue; Norman D. Beatty, janitor, C. and P. Telephone Company, 304 Robert Street;

City court, Judge Solter: Edward R. Blake, doorman, Maryland Club, 907 N. Carey Street, and George C. Hilde, salesman, 646 Mosher Street,

City court, Judge Dickerson: Robert E. Adkins, waiter, Chesapeake Club, 1331 Argyle Avenue.

NO NEGROES ON JURY; SEEK CASE DISMISSAL

LOGAN, W. VA., Nov. 3—Attacking embezzlement indictments against Fred D. Cobb, assistant superintendent of schools for Logan county on the grounds that Negroes were excluded from the grand jury which voted the indictments, defense attorneys this week sought a hearing before Judge Chambers in Circuit court Friday.

Cobb, charged with having misappropriated $317, was indicted along with several other county school officials following an investigation of charges of bribery and perjury in connection with the burning of a school building.

LILY WHITE JURY ISSUE ARGUED BEFORE SUPREME COURT

Press Service of the N.A.A.C.P. 4-1-38

Washington, D. C. Apr. 1,- The Joe Hale case, challenging the exclusion of Negroes from jury service in the McCracken county, Kentucky, courts was argued in the United States supreme court March 30 by Leon A. Ransom, a member of the national Legal Committee of the N.A.A.C.P. and Charles H. Houston, special counsel of the association.

Hale was convicted and sentenced to death in the Kentucky state courts for the alleged murder of a white man who had been accosting Negro women. He was indicted for wilful murder by an all-white grand jury and tried by an all-white trial jury. The record showed that the population of McCracken county was 48,000, of which 8,000 were Negroes; that approximately 6,000 whites and 700 Negroes were eligible for jury service. But no Negroes had served on the jury in the McCracken county courts for 50 years, except that on one occasion in 1921 an all Negro jury had been picked up off the streets to try a Negro on a minor charge.

Counsel pointed out that it was just as unconstitutional to select an all Negro jury and exclude all white people, as it was to select an all-white jury and exclude all Negroes. The court took the case under advisement. A decision is expected about May 1.

Jackson, Miss., News
July 10, 1938

Negro Under Writ Charges Race Was Barred From Jury

VICKSBURG — John N. Spencer negro, through his attorney, L. Bryan Dabney, has filed a motion in circuit court here seeking quashing of an indictment charging him with practicing medicine without a license on the claim that negroes were excluded from the jury lists in Warren county.

The motion claimed that selection of Warren county grand juries was "in open and notorious violation of the provisions of the Constitution of the United States."

Arguments on the motion were set for next Wednesday.

Served On U.S. Jury

FLOYD BROWN

FARGO, Ark.—Using as his slogan "Work Will Win," Floyd Brown as a young man came to Fargo, Ark. and founded the Fargo, Agricultural School for the training of Negro youth. He had just spent eight years at Tuskegee where he was fired with the spirit of Booker Washington to go back to the rurals and "cast down your bucket where you are." This he entered upon his life work among his people. Today the Fargo Agricultural School owns a 280 acre farm and has more than 200 boarding students and 50 local students, all being trained to be good citizens and of service to their community. This school has done much toward breaking down racial prejudice and creating good will between the races.

Mr. Brown, who is president of the school, has the confidence and respect of the leading citizens of East Arkansas and recently was summoned and served as juror on a panel of a petit jury of the U. S. district court of East Arkansas at Helena, Judge Trimble, presiding. So far as could be ascertained by the records, Floyd Brown was the first and only Negro to serve as a juror in this court.

Birmingham, Ala. News
June 20, 1938

NEGROES ON VENIRE

Three On List Summoned For Circuit Court Duty

Three Negroes were on the jury venire summoned for duty in the Jefferson County Circuit Court today.

This, according to Circuit Court Clerk Osa Andrews, is the largest number of Negroes to have been on a Jefferson County venire since the U. S. Supreme Court decision in the Scottsboro case resulted in more "dilligence" throughout the South in seeing that Negroes were not excluded from jury rolls.

Judge "Fires" 3 Jurors Who Hear Part of Case

TULSA, Okla. — (ANP) — Three jurymen were peremptorily excused by Judge Grady S. Cornett, while, in common pleas court, Friday, after they had heard part of a case and were told by him that they would not be needed any more.

Two accepted their dismissal without a word, but one, H. Fields, demanded an explanation.

According to him, the judge is said to have told him that since he had hired him, he had a right to fire him.

Registers Protest

Registering a strong protest, Mr. Fields left and reported the incident to the local ministerial alliance, who immediately went to see the judge.

Judge Cornett stated that there "was a certain amount of prejudice among white lawyers and they did not want colored on the jury as it did not make a good appearance."

Inquiry of several lawyers elicited the information that the judge had exceeded his authority.

Greenville, Miss., Democrat Times
July 9, 1938

CLAIMS NEGROES ARE BANNED FROM VICKSBURG JURIES

[By The Associated Press]

Vicksburg, Miss., July 9.—John N. Spencer, negro, through his attorney, L. Bryan Dabney, filed a motion in circuit court here today seeking quashing of an indictment charging him with practicing medicine without a license on the claim that negroes were excluded from the jury lists in Warren county.

The motion claimed that selection of Warren county grand juries was "in open and notorious violation of the provisions of the Constitution of the United States."

Arguments on the motion were set for next Wednesday.

Juries - 1938.

DALLAS SHERIFF PROTECTS
NEW NEGRO MUROR

Dallas, Texas Oct. 14.- Police protection is being was given W. I. Dickson, 46, a colored shoe repairman who/summoned for jury duty here October 10. Mr. Dickson was the first Negro to be called since the brutal assault September 28, upon Dr. G. F. Porter, president of Wiley junior college, and a prospective juror, who was thrown down the courthouse steps by two white hoodlums, when he refused to be "excused" from serving at the suggestion of court officials. Press Release of the N.A.A.C.P.
10-14-38 New York Office

Mr. Dickson and James Childs, also colored, wrote registered letters to Sheriff Smoot Schmid informing him they had been called for jury service and desired protection. They got it, but Childs took his day's fee and left.

White jurors glared at Dickson and mutterings were heard, but the sheriff quieted everything down. Dickson, who lives at 2109 Allen, said he wanted to serve on a jury and see how courts work. He paid no attention to the glares.

Thurgood Marshall, N.A.A.C.P. attorney, who is here investigating the Porter case, had no comment to make except to say that the investigation is proceeding according to plan.

Texas Rangers Probe
Porter Jury Case

Dallas, Tex. Oct. 14.- It was announced here by the morning papers that the famous Texas Rangers were making an investigation of the assault on Dr. G. F. Porter who was called for jury service here Sept. 28.

It is thought the Rangers were ordered into the case by Gov. James V. Allred.

Dr. J. L. Baxter on N.J. Jury

Afro-American Baltimore

NEWARK, N.J. — Dr. J. Leroy Baxter is on the Essex County grand jury for the last half of the September term.

Dr. John A. Kenney and Dr. Walter T. Darden are on the list for the November term of the Federal grand jury.

Numbers of colored persons have served on grand juries here since a Scottsboro appeal decision reversed a verdict because no colored were on the grand jury panel which indicted the nine boys.

Father Louis Berry, Dr. Leonard Savoy, Dr. W. G. Alexander, Mrs. Walter Darden, the Rev. L. B. Ellerson, and Dr. George E. Bell are others who have served on county or Federal juries.

10-29-38

PLEADING FOR HELP

DOWN AT DALLAS, TEXAS, a Negro educator responded to the call for jury service and as he presented himself at the court room, two hoodlums of the white race, apparently encouraged by sentiment of court attachees and onlooking officers of the law, manhandled the dignified black man and before letting him go, picked him up bodily and tossed him down a flight of stairs, inflicting serious bodily injuries on him. Texas Dallas

Doctor George F. Porter, head of the extension department of Wiley College, is a representative member of his racial group, well educated and a law abiding citizen. In responding to the call for jury service, he possibly was motivated not only by a desire to render service, but he was obeying a law that prescribes a penalty for refusal to comply without a reasonable excuse. 10-13-38

As Doctor Porter offered himself for jury service and as he was attacked, the complaint is made that officers of the law and court attachees looked on as two men took hold of him, without even so much as registering a verbal protest.

People who know George Porter, also have knowledge of his fine physique. He is by no means an old man and from all appearances he is as vigorous and as agile as a lion. Doctor Porter made history when he responded to a Texas court summons for jury service and got thrown out, but he missed an opportunity to make some history that would have been well worth reading when he failed to tumble down the marble steps of that Dallas courthouse with his muscular arms tightly grasped about the necks of his assailants, using their bodies as cushions as he bounced from step to step, and rolling over on top of them as he landed at the bottom to preventing soiling his good clothes in the street dust.

Officers and onlookers about the court might not have entered objection to the assault of the two hoodlums, but if the Negro educator had endeavored to protect himself in the least, it is very likely that the two hoodlums would have been without assistance in the face of a deserved trouncing.

It is the story as recorded in American history that impresses wherein efforts of Indians to force a young white man to run the gauntlet are referred to. As the young Indian warriors formed parallel lines with clubs drawn to strike their intended victim, the fearless young white man made a dash as if to run the gauntlet, but instead he grabbed the club from the hands of the first Indian he approached and wielding it right and left, he knocked down his enemies in such a fashion as enabled him to run the lane without a scratch and brought forth a volume of laughter from the big Indian chief who looked on. The result was the white man was rewarded with a crown for his bravery and ever af-

ter enjoyed the friendship of all the tribe members.

Just recently a certain Negro officr was handed a writ of replevin to serve. He tremulously approachd the official who held another's automobile illegally. His very approach was void of determination to perform his duty and naturally he returned without the car. When the official was taken to task for defying the law and authority, his answer was—"whose fault was it that he didn't get the automobile."

There is no inclination to encourage physical combat, but fearlessness in matters where a man's rights are so flagrantly invaded, is admired, even by those who might have at first approved of the injustice. If Doctor Porter had left the Dallas courthouse with a severely bruised fist, he might have made way for peaceful service to be rendered by scores of Negroes during the next few years on Texas juries.

Brutal Attack On Juror In Texas Being Investigated

Case Vitally Important To Whole Question of Negroes Serving On Juries; Await Governor's Action

DALLAS, Texas — Thurgood Marshall, of the legal staff of the National Association for the Advancement of Colored People, arrived here Saturday, October 8, to confer with officials of the local branch in regard to further action in the brutal jury-eviction case involving Dr. George F. Porter, 65, president of Wiley Junior College here.

Mr. Marshall was sent here from the New York office of the association at the request of local branch officials because of the wide implications involved in the denial of fundamental citizenship rights, as shown by the case.

Dr. Porter, the key figure in the case, is a keen-eyed educator, slight in build, whose unflinching courage in the face of a brutal assault at the hands of white hoodlums in the Dallas courthouse, has aroused colored people and liberal whites throughout the state of Texas.

DRAGGED OUT

Because he insisted on exercising his right of membership on a petit jury panel to which he had been legally summoned, and refused to have himself "excused" at the suggestion of court officials, Dr. Porter was dragged out from the central jury room of the Dallas courthouse September 28 by two white men, despite his pleas to court attaches for protection, and thrown down the front steps of the building. Several other prospective Negro jurors accepted dismissal at the hands of court officials.

Determined to see the thing through the college president picked himself up and broke through a line of more than a dozen threatening whites who sought to bar his entering the building again, reentered the courthouse and regained his seat in the jury room.

Shortly after the assault on him, Dr. Porter was sent to the Fourteenth District Court in the building presided over by Judge Sarah Hughes to join the jury panel assembled there. Here, together with sixteen white veniremen, he was dismissed for the week. Judge Bush, technically in charge of the jury room, from which the college president was first evicted, refused to comment on the assault.

THREATENED BEFORE

Dr. Porter's eviction from the jury room came on the third day of his daily attendance on the jury panel following his acceptance of jury service. Well known throughout the state, he has been dismissed twice before from jury service over his protest; once in 1921, when he served one day after having been threatened with a lynching; and again in 1936, when he served three days before he was dismissed despite his protest.

In a statement issued today, Walter White, executive secretary of the N. A. A. C. P. said:

"We have already sent a vigorous protest to Governor Allred, of Texas, over the brutal treatment meted out to Mr. Porter and we intend to follow this case through because it involves much more than appears on the surface."

Last July, Governor Allred was nominated by President Roosevelt for the post of federal district judge,—receiving the nomination personally at the hands of the President when the chief executive visited Texas on a speaking tour. The nomination comes up for confirmation before the U. S. Senate in January.

The N. A. A. C. P. secretary pointed out that the whole question of rule by mobs in an effort to obstruct pustice was involed in this case, as well as the question of action against police and court officials who are negligent in protecting citizens from lawless mob.

"This is a striking revelation of why we need an anti-lynching bill," he said, "it is obvious in this case that if no action is taken to bring these mobbists to justice, even when they go into a courthouse and drag out a legally summoned prospective juror, then an incentive is open to others to take the law into their own hands and inflict their degenerate prejudice upon other innocent victims purely because those victims happen to be citizens wihh black skins.

Shce Maker Will Not Be Dismissed Says Texas Judge

DALLAS, Texas—Police protection is being given W. I. Dickson, 46, a colored shoe repairman who was summoned for jury duty here October 10. Mr. Dickson was the first Negro to be called since the brutal assault Sept. 28, up on Dr. G. F. Porter, president of Wiley Junior college, and a prospective juror who was thrown down the courthouse steps by two white hoodlums when he refused to be 'excused' from serving at the suggestion of court officials.

Mr. Dickson and James Childs, also coolred, wrote registered letters to Sheriff Smoot Schmid informing him that they had been called for jury service and desired protection. They got it, but Childs took his day's fee and left.

White jurors glared at Dickson and mutterings were heard, but the sheriff quieted everything down. Dickson, who lives at 2109 Allen, said he wanted to serve on a jury, and see how courts work. He paid no attention to the glares.

Thurgood Marshall, NAACP attorney, who is here investigating the Porter case, had no comment to make except to say that the investigation is proceeding according to plan.

TEXAS RANGERS PROBE PORTER JURY CASE

DALLAS, Tex., Oct. 14—It was announced here by the morning papers that the famous Texas Rangers were making an investigation of the assault on Dr. G. F. Porter who was called for jury service here Sept. 28.

It is thought the Rangers were ordered into the case by Gov. James V. Allred.

Veteran Pastor Chosen Member Grand Jury

Grand and petial juries were selected as the November term of Knox county criminal court began on last Monday. Included among the jurors chosen for members of the grand jury is Rev. T. M. McKenzie, of 1603 Doll Avenue, veteran and highly respected minister of the AME Zion connection. Rev. McKenzie was the only member of the Negro racial group drawn for jury service. Other members of the grand jury to serve the November term under Foreman Hugh Simpson are W. T. Cate, former sheriff and Riverdale farmer; John L. Hendelight, Cecil Lovelace, C E Kennedy, Bryant Spangler, W L Smith, L E Johnson C G Bookout, H E Caldwell, B. C Shackelford anl J B Moser.

Colored Foreman's Jury Finds Murderer Guilty

ANNAPOLIS, Md.—(ANP)—A jury with the first colored foreman in Anne Arundel County's history Tuesday, found Frank Dorsey guilty of second degree murder in the shooting of Rudolph Johnson on August 13.

The verdict was read by William H. Brown, foreman, after the jury had deliberated two hours.

Juries – 1938

First Harlem Woman to Serve as Jury Foreman

Mrs. Goldie Graves Says More Women Ought to Try It

MRS. GRAVES

MISS GRAVES

NEW YORK CITY. — Mrs. Goldie Graves of 202 W. 137th Street, wife of Dr. A. B. Graves and mother of four brilliant and talented daughters could not understand Monday why there would be any unusual news value to the fact that she served as foreman of two General Sessions Court juries recently — the cepted for jury duty last Septemb

"That's old news now, anyhow," she said, but admitted she hoped to be called soon to serve on a Federal jury. She avoided newspapermen and cameramen at the Criminal Courts Building the day she reported as a member of the jury panel. "Wait until I do something big, then you can write me up."

Very Attractive

Mrs. Lillian Carter whom Mrs. Graves described as so attractive she was the cynosure of court eyes that day, reported for jury duty the same time. Both women were selected on juries the same morning and the two share honors of being first.

Mrs. Graves did not want this "first to serve" angle emphasized because New York dailies the past spring ran stories that Mrs. S. G. Pope of W. 110th Street was the first colored woman to so serve. Mrs. Pope and Mrs. Graves are friends. Mrs. William Lloyd Imes, wife of the minister, has served recently on both municipal court and Federal juries.

Do Something for Youth

Mrs. Graves's conclusions from her month's service in General Session is that she wishes something could be done for the young people, most of them in their teens, who continually appeared before her charged with all manners of crimes. She served in Part 6 of General Sessions under Judge Bohan. She believes most of the cases tried in General Sessions involve colored prisoners.

"I can't say what my greatest thrill was," she said. "The word 'thrill' to me means exultation over some good event. Crime saddens rather than thrills me. However, the experience was something I will always remember. There is so much misery in court. Sometimes I wish I was trained in social work so I could personally do something about it."

Born in Virginia

Mrs. Graves is a modiste by trade and was born in Virginia though she and her family have lived in Jersey City and New York for years. Mr. and Mrs. E. B. Long of Jersey City, her parents, still live there. She is a member of St. James Presbyterian Church and is on the board of the Hope Day Nursery.

Her four daughters are: Miss Lucy Graves, Hunter College graduate, who is in charge of the Catherine Street Community Center in Poughkeepsie, N.Y.; Goldie, Roselyn and Aleyne, all three of whom are in school. Goldie won the St. Gaudens medal when she was graduated from Wadleigh High School.

Children Her Career

"My career seems to be raising four children," Mrs. Graves answered to that question.

New York's first woman jury foreman does not play bridge, likes dancing, gets a thrill out of taking five-cent bus rides, then walking for blocks in foreign sections of the city.

She thinks more of our women should apply for things like jury work. After she had applied she came uptown and called on all her friends, urging them also to make their application.

She brought in verdict of guilty for a Harlem man accused of robbing a boy at W. 138th Street and Lenox Avenne. Defendant's record proved he had been a killer and convicted of other crimes. He got ten years. Another case in which she served as foreman did not result in a verdict because one of the white women on the jury grew hysterical over the unfolding evidence of crime, said she could not serve further. so the jury was dismissed.

6 Colored Names in 1821 on Jury List for Hines

NEW YORK—Lloyd Paul Stryker, counsel for Jimmie Hines, Tammany leader, filed objection to a blue ribbon list of 1,821 names for prospective jurors because only six names of colored persons appeared.

As selection of a jury began on Monday, Stryker said that the number of colored persons on the list "is unconstitutionally disproportionate" to the number in the community.

Xavier Professor Jury Commissioner

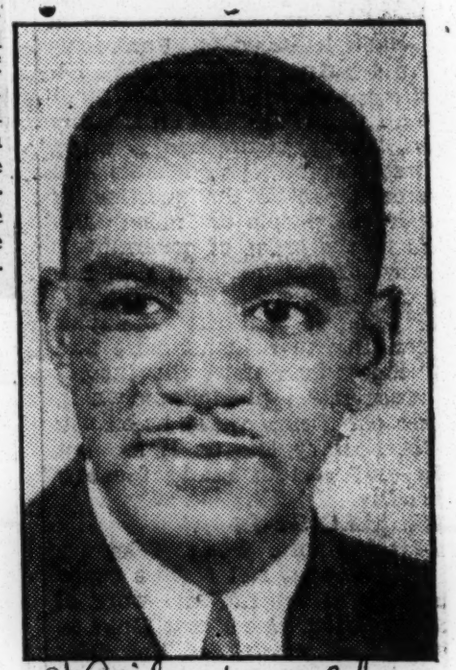
NEW ORLEANS, Sept.—(ANP)—The Louisiana Jury commission has selected Professor Alvin H. Jones of Xavier university to act as a jury commissioner, which marks the first time such an honor has been given to a Negro since the Reconstruction period when Negroes held the balance of power in voting.

Elizabethton, N. C., Journal
September 22, 1938

Negroes Names Were Drawn On The Jury

For the first time in probably a couple of generations, the names of Negroes were drawn from the jury box in Bladen county on Tuesday when Sheriff Clark was ordered to summons a special venire of 50 for jurors in the case of Murphy New. The Negroes were not able to be located, however. The necessity for placing Negroes names in the jury boxes arose out of the famous Scottsboro case ,in Alabama, several years ago.

erves On Jury



Daily World

DAMON LEE, JR.

BIRMINGHAM, Ala.—(SNS)—Two of Birmingham's colored citizens were summoned to Federal Jury service last week, marking the third time that colored citizens have been summoned since the famous "Scottsboro Case" when the Supreme Court of the United States handed down a decision opening the way for colored participation on juries.

The two persons summoned to Tuscaloosa were E. E. Ford, watchmaker and Damon Lee, Jr., coal dealer. The occasion was the convening of the Federal jury of North Alabama.

Sends Texas Rangers to Protect 3 Jurors

DALLAS, Texas — Five Texas Rangers were sent here last [illegible] by Governor Allred to protect three colored jurors ordered from the court room by Judge Claude McCall when they refused to leave after their names were called last week.

ASSAULT ON NEGRO JUROR IS PROTESTED

Wiley Jr. College Prexy Victim

10-4-38

NEW YORK, Oct. 6 — A vigorous protest was made by the National Association for the Advancement of Colored Pepple today to Governor James V. Allred of Texas, who was recently nominated by President Franklin D. Roosevelt for a federa judgeship, against the brutal assault made upon Dr. George F Porter, president of Wiley Junior college, in the presence o court officials; that Mr. Porter iffs, on September 28.

Dr. Porter was summoned for jury duty and the attack upon him was made when he refused to be excused from service as other Negro prospective jurors accepted dismissal. The full text of the letter from Walter White secretary of the association, follows:

"The National Association for the Advancement of Colored People has received information today that Mr. George F. Porter, a highly respected citizen of Dallas, Texas, and President of Wiley Junior college, was called for jury service on September 26; that all Negroes called for jury service were excused at the suggestion of court officials; that Mr. Porter refused to be excused and that the deputy sheriff in charge of the jury told him that under the Texas Jim Crow law Negroes and whites were prohibited from assembling together and that it would, therefore, be difficult for a Negro to serve.

"We are further informed that on September 28 one Walter Miller, seized Mr. Porter in the jury room in the presence of the jury clerk and deputy sheriffs. Mr. Porter called to the clerk and other court officials requesting them to protect him; but no protection was given him. He was dragged from the jury room to the porch of the courthouse and thrown head first down the courthouse steps despite the presence o several deputy sheriffs. Deputy Sheriff Army, we are informed, and other court officials were appealed to by Mr. Porter to protect him, but they took no steps to halt the brutal assault.

"The rights and privileges of jury service are among the most fundamental rights of American citizenship. Jurymen as officers of the court are entitled to the fullest protection of the laws. This denial, therefore, of protection to Mr. Porter as a juror summoned to duty is a denial of civil rights and a flagrant violation of law, both state and federal. The assault upon Mr. Porter, the complete inaction if not encouragement of the assault by officers of the court, and the complete failure to take any action against this invasion of the court, so far as we know, signifies a complete breakdown of judicial machinery.

"We, therefore, call upon you as the chief executive of the State of Texas to order an immediate investigation to the end that the parties guilty of actual assault and the conspiracy of failure to protect Mr Porter may be vigorously prosecuted and punished."

Colored Excluded, School Supervisor Fights Conviction

10-3-38

LOGAN, W.Va. — Fred D Cobb, assistant superintendent of Logan County schools who was convicted on a charge of embezzling $137 of school funds, has filed a plea of abatement on grounds that colored people were excluded from the jury.

Judge C. C. Chambers will begin his new trial on October 28.

NEGRO IS FOREMAN OF MARYLAND JURY

10-22-38

ANNAPOLIS, Md.—A jury with the first Negro foreman in Anne Arudel county's history, Tuesday night, found Frank Gorsey guilty of second degree murder in the shooting of Rudolph Johnson.

Texas Sheriff Protects New Negro Juror

Pvt

DALLAS, Tex., Oct. 20—Police protection is being given W. I Dickson, 46, a colored shoe repairman who was summoned for jury duty here Oct. 10. Mr Dickson was the first Negro to be called since the brutal assault Sept. 28, upon Dr. G. F. Porter, president of Wiley junior college, and a prospective juror, who was thrown down the courthouse steps by two white hoodlums when he refused to be "excused" from serving at the suggestion of court officials.

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Jury With Negro Foreman Finds Murderer Guilty

ANNAPOLIS, Md., Dec. 8—(ANP)—A jury with the first Negro foreman in Anne Arundel county's history, Tuesday night found Frank Gorsey guilty of second degree murder in the shooting of Rudolph Johnson on Aug. 13.

The verdict was read by William H. Brown, foreman, after the jury had deliberated two hours.

Shelby, N. C. Star
November 21, 1938

NEGROES ON JURIES

Will negroes again sit on court juries in North Carolina? We say yes, because the United States Supreme Court recently upheld a case where this was a clear issue.

The question bobbed up in Rutherford court when attorneys for two negroes charged with killing another of their race, moved to quash the charges on the ground that the jury had no negroes on it. They pointed out that the jury list in Rutherford is made up entirely of white people with the exception of one negro from each township and that out of a colored population of 10,000, "about one-fourth are qualified to act as jurors yet are excluded because of race and color."

All of which is no doubt true, but when negroes are placed in the jury box to try cases, reminding us of carpetbagging days of the reconstruction period, the race question will be stirred up again. The south is peaceful now. Our colored friends understand us and we understand them. No racial troubles are threatening but when we are told from Washington that no distinction shall be made on account of race or color we fear a rekindling of hatreds and prejudices which characterized the period following the war.

An appropriation of millions of dollars to aid state schools is pending in Congress and one of the greatest objections to this bill is that if Uncle Sam furnishes the money, he will force consolidation of white and colored schools, name the teachers and otherwise take over the administration of our public school system from the states. The south would be delighted to receive Federal aid as long as school control remains in the hands of the several states, but if Federal aid means surrender of their control, we prefer to go along under the present system.

In the Rutherford jury case, the Rutherford News simply reports that "Judge Pless ruled that the negroes should not be tried at this term of court." We take this to mean that negroes must be placed on the jury by next May when they come to trial again.

How Rutherford will react to negro jurors remains to be seen.

Negro On Jury That Indicted Medical Trust

WASHINGTON, Dec. 29 (CNA) — A Negro messenger was on the Federal Grand Jury which indicted the American Medical Association, three affiliates and 21 white physicians in Chicago and Washington on charges of violating the Sherman Anti-Trust Act in restraining individual physicians from giving aid to group medical movements designed to help low income groups.

The indictment sprang from evidence presented by the government that the American Medical Association had used coercion on member physicians in an effort to smash the Group Health Association, Inc., a medical cooperative of government workers in Washington, and other group medical movements throughout the country.

NEGRO JUROR DEFIES TEXAS JUDGE'S ORDER TO LEAVE COURTROOM

Demand Rights As U.S. Citizens to Serve As Jurymen

DALLAS.—(ANP)— The question of Negroes serving on Texas juries was given a test here last week in the 101st District Court of Judge Claud McCallum and after a heated controversy five Texas Rangers were called in as a guard against possible violence.

Monday, before the guard had been stationed, three colored veniremen—C. A. Galloway, Ed Bryant and P. T. Simmons, presented themselves for service. At the close of preliminary examination of white veniremen by an attorney, Judge McCallum left the bench and ordered the Negroes to leave the courtroom, declaring: "We don't need you on the jury, that's all there is to it."

Veniremen Simmons twice refused to be excused on Monday and returned the next day for service, being assigned to Judge Thornton's court. After examination of other veniremen, Simmons and five whites were ordered to return to the central jury room, where they were diplomatically excused from service. Because of the protection afforded by the Rangers it is expected that other colored veniremen scheduled to be called in future, will report for service.

Judge Insists Negro Must Sit On Venire

LOS ANGELES, Cal. (ANP)—Regardless of the fact that it is not in the South defense attorneys in future cases will no doubt insist on a mixed jury when their clients in California courts are Negroes.

This constitutional right was brought to light at Riverside last week, when Judge O. K. Morton, of Superior Court, refused to hear the case of Robert Wynn, accused of wife murder, because there were no colored people on the jury.

The jurist declared it would be unconstitutional for him to do so. The case was postponed until a new jury panel could be called.

P. T. Simmons, who refused to be excused twice Monday, returned Tuesday for service. He was assigned to Judge Thornton's court. After examination of other jurymen, Simmons and five whites were ordered to return to the central jury room, where they were diplomatically excused by the alleged subterfuge of Deputy Frd Army. It is reported that neither of these three Negroes was excused by Judge Bush, but accepted the statements of subordinates as the order of the chief official in charge of the jury panel. Investigation shows that Judge Bush has not directly excused or dismissed any Negro veniremen during this episode of the Negro jury question which now seems to have an opportunity for a fair test.

While protection by Rangers is available, it is expected that other Negroes who will be called during the weeks to follow will report for service.

Dallas Judge Orders Negro Jurors From Courtroom; 1 Venireman Refuses to Obey

"Get Your Pay at Window as You Go," Shouts Irate Representative of Hate and Prejudice

5 Rangers Stand Guard at Jury Room

DALLAS, Texas.—Five Texas Rangers stood guard Monday and Tuesday over Negro jurors in the central jury room in the courthouse as the Negro jury question again claimed the center of public interest in Dallas. The Rangers, all from Company B, led by Captain Royall G. Phillips took up positions around the jury room for the protection against possible violence of the three Negro veniremen, C. A. Galloway, Ed Bryant and P. T. Simmons, who presented themselves for service in regular order.

Monday afternoon Galloway and Bryant were assigned to Judge Claud McCallum's 101st District Court for service. After preliminary examination of white veniremen by an attorney, Judge McCallum left the bench and ordered the Negroes to leave the courtroom. "We don't need you on this jury, that's all there is to it," Judge McCallum said. Galloway asked the judge if he could not continue to serve. "Go on, get out of here; we have plenty jurors for this week," Judge McCallum ordered sternly. "Get your pay at the treasurer's window as you go.' The Negro veniremen then reluctantly followed the order without conferring with Judge Payne L. Bush, who is directly in charge of central jury room.